

**LAKESIDE COMMUNITY COUNCIL MEETING – September 2013 – open to the public**

DATE: 09/24/2013 TIME: 7:00pm

PLACE: **ORU building; 201 Bills Road in Lakeside.**

NOTICED: County P&Z website Calendar of Events page; posters in Library and Post Office in Lakeside, submitted to DIL Daybook column.

**AGENDA:**

1. Call to order and Sign-in sheet passed.
2. Public Comment for items not on the agenda
3. Approve Agenda: Approve agenda.
4. Approve prior meeting minutes: Approve meeting minutes from August 2013 (must list attendees)
5. Review/recommendations on any County applications in the Lakeside planning area (if any are scheduled): none
6. Guest presentations or reports (listed below, if any are scheduled): none.
7. Sub-committee reports from any LCC authorized subcommittees (listed below, if any are scheduled): No sub-committees currently active.
8. Procedural discussions or items (listed below, if any are scheduled)
  - a. By-Laws – status update from David’s discussion with BJ
  - b. Adams St. Issues
    - i. Draft council Letter to County regarding Adams Street issues – status - Gene.
  - c. Communication re: quorum for upcoming meeting.
  - d. Janet’s absence.
9. Lakeside Plan Implementation Strategies and beginning update for next plan:
  - a. Contacts with local agencies/organizations (fire/wildfire id’d as priority in May meeting – Mike): updates on status & any guest speakers we should schedule
  - b. Discuss possible next steps in moving forward on reviewing & begin data collection to update Plan
  - c. Discuss possible next steps in moving forward on the Safe Routes to Schools Plan
10. Meeting adjourned

NOTE: Public comment will be accepted on any agenda item when that item is being discussed.

**MEETING MINUTES:**

Council Members attending: Barb Miller, Gene Shellerud, Jaix Chaix, Janet Conroy, Mike Wilson, David Fetveit

Council Members not attending: Meredith Coopman

P&Z attendees: None

Public: Jim Clark, Maggie Davis

**MINUTES:**

1. Meeting called to order 7:03pm.
2. No public comments.
3. Barb moved to add agenda item to discuss the posting of agendas with P&Z (see BJ’s email below); Janet seconded; approved unanimously; 8.c. posting agendas added. Barb moved, JC seconded and passed unanimously to approve the agenda as amended.

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*Persons with a disability may request a reasonable accommodation by contacting Elaine Nelson at the Flathead County Commissioner’s Office at 758-5501 or TTY (800) 335-7592, or call Montana Relay at 711. Requests should be made as early as possible to allow time to arrange the accommodation.*

4. Barb moved, JC seconded and passed unanimously to approve August meeting minutes with the addition of who attended the meeting; Gene to send sign-in sheet to Barb.
5. No county business.
6. No guest reports.
7. No sub-committees active.
8. Procedural
  - a. By-Laws proposed changes: David had talked to BJ Grieve (P&Z) and Tara Fugina (County Attorney's office). Council discussed comments.
    - i. Article 4, I. B. : David moved and Barb seconded and passed unanimously to return to original wording "...communication with and among the various..." instead of "...communication with and advising the various...". The remainder of this paragraph remains as submitted in the last proposed revisions.
    - ii. Article 4, I. F.: Barb moved & Gene seconded to specifically add the "Board of Adjustment" and to delete the last part of the sentence beginning with "or to other county departments...". Vote was 3 no (JC, Janet, Mike) and 2 yes (Barb & Gene). Additional discussion ensued. Janet motioned, JC seconded and passed unanimously to reconsider and re-vote on the original motion to change.
    - iii. The changes to the signature page to correct the names & positions of Council member remains in the proposed changes.
  - b. Adams St. Issues: Gene asked that this be on October agenda.
  - c. Agendas & quorums:
    - i. Posting agendas for Council meetings (see email communication below between Lakeside and BJ Grieve of P&Z): The underlying issue is that meeting minutes from the August meeting were not submitted to the Council Secretary until the Sunday before the September meeting, so the September agenda was not submitted until Sunday 9/22 and not posted on P&Z until Monday 9/23. Council agreed that minutes from a meeting, no matter who took the notes, would be available as soon as possible after each meeting, so the next meeting's agenda is not delayed.
    - ii. Quorum & meeting cancellation: communications critical – Council members need to proactively RSVP with a "reply all" when the agenda for the next meeting is sent out, and no later than the Thursday before the meeting. Chairperson (David), or his appointed sub if he can't attend, needs to notify any scheduled guests and P&Z by 3pm on the Friday before the meeting if it is to be cancelled due to lack of a quorum. A council member should be at the QRU in case anyone from the public shows up ... OR... at a minimum a sign needs to be posted that the meeting was cancelled
9. Lakeside Plan Implementation Strategies:
  - a. Contacts with local organizations/agencies: Council agreed on the following:
    - i. Priority: Storm water (David)
    - ii. Priority: Green boxes for solid waste & blue boxes for recycling (David)
    - iii. Priority: process to fight wildfires; how to be fire-wise - Mike
    - iv. Janet: Library... contact Marney Malloy needs 30 days' notice
    - v. Barb: Law Enforcement – try to get Chuck Curry.
  - b. Next steps to begin reviewing/updating Neighborhood Plan. – deferred to October meeting.
  - c. Next steps; Safe Routes to Schools: Barb noted that the final report is just a plan and the community needs to take accountability for taking the recommendations further – needs to be a grassroots, community-led effort. Maggie pointed out that progress is being made on the Foy's to Blacktail trail; Clifford Kipp is a contact

10. Barb moved & Gene seconded to adjourn the meeting.

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**From:** [BJ Grieve](#)

**Date:** 9/23/2013 3:54:13 PM

**To:** ['David Fetveit'](#); [beach2mnts@bresnan.net](mailto:beach2mnts@bresnan.net); [gene@westventureproperties.com](mailto:gene@westventureproperties.com); ['Janet Conroy'](#); ['JC Chaix'](#); [meredith@edifishdesign.com](mailto:meredith@edifishdesign.com); [mike@timberlakelandworks.com](mailto:mike@timberlakelandworks.com)

**Cc:** [Donna Valade](#); [Tara Fugina](#)

**Subject:** RE: 2013-09-24 mtg Agenda



Hi David-

Cool, that's your call to make. Thanks for the email. As I said, the agenda is posted as of this morning.

BJ Grieve, AICP®, CFM®

Planning Director

Flathead County Planning & Zoning

1035 First Avenue West

Kalispell, MT 59901-5607

Phone: 406.751.8200

Fax: 406.751.8210

**From:** David Fetveit [<mailto:dfetveit@gmail.com>]

**Sent:** Monday, September 23, 2013 3:49 PM

**To:** BJ Grieve; [beach2mnts@bresnan.net](mailto:beach2mnts@bresnan.net); [gene@westventureproperties.com](mailto:gene@westventureproperties.com); ['Janet Conroy'](#); ['JC Chaix'](#); [meredith@edifishdesign.com](mailto:meredith@edifishdesign.com); [mike@timberlakelandworks.com](mailto:mike@timberlakelandworks.com)

**Cc:** Donna Valade; Tara Fugina

**Subject:** RE: 2013-09-24 mtg Agenda

BJ, et al.,

I would like to go ahead and keep our meeting scheduled for tomorrow night. Given the fact that there are no new agenda items, I think the 48 hour target may not be as significant this month. We will do a better job at making sure we have the agenda submitted early enough in the future.

Thanks,

David

**David Fetveit, Broker**

Trails West Real Estate

406.249.1764 (Mobile)

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866.844.6050 (Toll Free)

[www.davidfetveit.com](http://www.davidfetveit.com)

**From:** BJ Grieve [<mailto:bgrieve@flathead.mt.gov>]

**Sent:** Monday, September 23, 2013 9:29 AM

**To:** 'beach2mnts@bresnan.net'; David Fetveit ([dfetveit@gmail.com](mailto:dfetveit@gmail.com)); [gene@westventureproperties.com](mailto:gene@westventureproperties.com); Janet Conroy ([Maximom35@aol.com](mailto:Maximom35@aol.com)); JC Chaix ([chaixjc@gmail.com](mailto:chaixjc@gmail.com)); [meredith@edifishdesign.com](mailto:meredith@edifishdesign.com); Mike Wilson ([mike@timberlakelandworks.com](mailto:mike@timberlakelandworks.com))

**Cc:** Donna Valade; Tara Fugina

**Subject:** RE: 2013-09-24 mtg Agenda

Good morning Barb and other members of the Lakeside Community Council:

On Friday, September 20, 2013 our office phoned you to ask for a copy of the LCC's agenda for the Sept. 24 meeting. We asked that you please submit this agenda by 5:00 pm on Friday in order that we may post the notice before the close of business on Friday, more than 48 hours in advance of the Sept. 24 meeting.

Our office received the email containing an agenda for the Sept. 24 meeting at 5:21 p.m. on Sunday night, Sept. 22. We then received a revised agenda via email later that same evening at 9:39 p.m. Obviously both of these were received over the weekend and we are not able to post items received when the office is closed until the office opens. Our office posted the agenda for the meeting at 8:00 a.m. this morning 34 hours prior to the scheduled meeting. The Flathead County Attorney's Office has historically recommended that meeting information be posted no less than 48 hours prior to the meeting.

Now, just to be clear, *notice* of the meeting (date, time and location) was posted February 06, 2013 and the meeting location was updated on June 19, 2013. I have reviewed the bylaws of the Lakeside Community Council as well as the Lakeside Neighborhood Plan and M.C.A. pertaining to public notice and open meetings and I don't find anything specifically requiring that the *agenda* for the meeting be available no less than 48 hours prior to a meeting.

Given the historical recommendation of the Flathead County Attorney's Office regarding meeting information being made available to the public 48 hours in advance as well as the spirit and language of Section 5.8.3 and 5.8.4.1(2) and (6) of the Lakeside Neighborhood Plan and the high standard of open public participation by which the Lakeside Community Council must function due to recent litigation, I would suggest you consider cancelling the meeting scheduled for tomorrow night to avoid any possible confusion or misinterpreted allegation of procedural error. I have reviewed the agenda and it does not appear to contain anything time-sensitive, but I would defer to the LCC Chair's judgment on this issue and, of course, to determine if cancelling the meeting is appropriate.

If you choose to proceed with the meeting I can find nothing at this time that would legally preclude you from doing so. Again, the meeting date, time and location were posted on our website as far back as June 19, 2013. However, I urge and implore you to please be extra careful about this issue. Please strive to provide us with a copy of *all* meeting information no less than 48 hours in advance of the meeting so that we may post the agenda and the public may have ample opportunity to review that topics to be discussed at the meeting. By doing this, it will be less likely that our office

will have to prepare for and answer questions by concerned members of the public regarding public notice and open meeting requirements.

As always, thanks for your understanding, and please have the Chair let us and everyone else know what is decided as soon as possible.

BJ Grieve, AICP®, CFM®  
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Flathead County Planning & Zoning  
1035 First Avenue West  
Kalispell, MT 59901-5607  
Phone: 406.751.8200  
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**From:** [beach2mnts@bresnan.net](mailto:beach2mnts@bresnan.net) [<mailto:beach2mnts@bresnan.net>]

**Sent:** Sunday, September 22, 2013 9:39 PM

**To:** David Fetveit ([dfetveit@gmail.com](mailto:dfetveit@gmail.com)); [gene@westventureproperties.com](mailto:gene@westventureproperties.com); Janet Conroy ([Maximom35@aol.com](mailto:Maximom35@aol.com)); JC Chaix ([chaixjc@gmail.com](mailto:chaixjc@gmail.com)); [meredith@edifishdesign.com](mailto:meredith@edifishdesign.com); Mike Wilson ([mike@timberlakelandworks.com](mailto:mike@timberlakelandworks.com))

**Cc:** BJ Grieve; Donna Valade

**Subject:** 2013-09-24 mtg Agenda

Revised meeting agenda for Tues. 9/24